

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE C. SWINYER, JR., *et al.*,

Plaintiffs,

v.

DONALD MAGARIAN, *et al.*,

Defendants.

Case No. C06-5199RJB

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On April 10, 2006, the Clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). On April 13, 2006, the Clerk sent plaintiff a letter informing him that he must either pay the court filing fee or submit a proper application to proceed *in forma pauperis* by May 15, 2006, or this matter could be subject to dismissal. (Dkt. # 2).

Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for

1 the 6-month period immediately preceding the filing of the complaint or notice of appeal,
2 obtained from the appropriate official of each prison at which the prisoner is or was
confined.

3 Plaintiff thus was required to submit a statement showing the balance and activity of his account for the
4 six-month period immediately preceding the filing of his complaint.

5 Accordingly, the court orders the following:

- 6 (1) Plaintiff shall seek to cure the above deficiency by paying the full \$350.00 court filing fee or
7 by providing the court with a copy of his prison trust account statement pursuant to 28
8 U.S.C. § 1915(a)(2) showing the balance and activity of his account(s) for the six-month
9 period immediately preceding the filing of his complaint, **no later than May 26, 2006.**

10 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**
11 **prosecute this matter and the court will recommend dismissal of this matter.**

- 12 (2) The Clerk is directed to send a copy of this Order to plaintiff.
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14 DATED this 9th day of May, 2006.
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18 Karen L. Strombom
19 United States Magistrate Judge
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